

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	273
Land:	Kina
Kilde:	United States Commission on International Religious Freedom (USCIRF).
Titel:	USCIRF Annual Report 2011 - Countries of Particular Concern: People's Republic of China.
Udgivet:	28. april 2011
Optaget på baggrundsmaterialet:	25. august 2011

Last Updated: Tuesday, 23 August 2011, 12:44 GMT

[unhcr.org](#) | [Partners](#) | [Help](#) | [Contact](#) | [Site Map](#)[Home](#) [China](#)

Search

Enter a word or phrase
[Advanced Search](#) [Search Tips](#)

Regions

[Africa](#)[Americas](#)[Asia](#)[Europe](#)[Oceania](#)

Countries

Categories

[Country Information](#)[Legal Information](#)[Policy Documents](#)[Reference Documents](#)

Browse by

[A-Z Index](#)[Topics](#)[Publishers](#)[Document Types](#)

Resources

[Special Features](#)[Standards and Training](#)[Information Alerts](#)[Protection Starter Kit](#)[Library](#)[News](#)[Refworld Personalization](#)[External Links](#)Text size [A](#) [A](#) [A](#)[Email this document](#)[Printable version](#)

Title	USCIRF Annual Report 2011 - Countries of Particular Concern: People's Republic of China
Publisher	United States Commission on International Religious Freedom
Country	China
Publication Date	28 April 2011
Cite as	United States Commission on International Religious Freedom, <i>USCIRF Annual Report 2011 - Countries of Particular Concern: People's Republic of China</i> , 28 April 2011, available at: http://www.unhcr.org/refworld/docid/4dbe90c03c.html [accessed 23 August 2011]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it endorse, its content. Any views expressed are solely those of the author or publisher.

USCIRF Annual Report 2011 - Countries of Particular Concern: People's Republic of China

[Covers April 1, 2010 to March 31, 2011]

FINDINGS: Unregistered religious groups or those deemed by the Chinese government to threaten national security or social harmony continue to face severe restrictions, although the government tolerates some religious activity within approved organizations. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained over five hundred unregistered Protestants in the past year and stepped up efforts to destroy churches and close "illegal" meeting points. Dozens of unregistered Catholic clergy remain in detention, in home confinement, or have disappeared. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend the Falun Gong, Tibetans, Uighurs, and unregistered Protestants.

Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2011 that China again be designated as a "country of particular concern", or CPC. The State Department has designated China as a CPC since 1999.

Religious communities continue to grow rapidly in China. Hundreds of millions of Chinese manifest their belief openly. Senior-level government officials, including President Hu Jintao, have praised the positive role of religious communities and articulated a desire for religious groups to promote "economic and social development." There are reports that the government is considering legalizing charitable activities of recognized religious organizations. These are positive steps that could lead to greater accommodation of religious activity sanctioned by the government. At the same time, the government praises religious groups who resist "foreign infiltration," supports extralegal security forces to suppress the activities of so-called cult organizations, actively harasses, imprisons, tortures, and disappears advocates for greater religious freedom, destroys unregistered religious venues, and severely restricts online access to religious information and the authority of religious communities to choose their own leadership and parents to teach their children religion.

PRIORITY RECOMMENDATIONS: Religious freedom encompasses many issues in U.S.-China relations, including the rule of law, freedom of expression, and the well-being of ethnic minorities. Promoting religious freedom in China is a vital U.S. interest that can positively affect the United States' future security, economic, and political relations with China. As part of China's CPC designation, USCIRF urges the Secretary of State to impose a new sanction targeting officials or state agencies that perpetuate religious freedom abuses or provinces where religious freedom conditions are most egregious. In addition, USCIRF recommends that the U.S. raise religious freedom concerns in multilateral fora where the United States and China are members, coordinate potential sources of leverage within the U.S. government and with allies to build a consistent human rights diplomacy with China, develop and distribute proven technologies to counter Internet censorship, raise religious freedom and negotiate binding human rights agreements at the U.S.-China Strategic Dialogue, and integrate human rights concerns, consistently and openly, into the entire structure of U.S.-China bilateral relations. Additional recommendations for U.S. policy towards China can be found at the end of this chapter.

Religious Freedom Conditions

Restrictive Legal Framework and Government Interference

The Chinese Constitution guarantees the freedom of religion, but protects only "normal" religious activities and does not explicitly protect the right of individuals to manifest their beliefs without state interference. While a growing number of Chinese citizens are allowed to practice their religion legally, the government tightly controls the affairs of all religious groups and actively represses and harasses religious activity that the Communist Party does not view as normal. Chinese government officials, at many levels, have echoed President Hu Jintao's 2007 speech describing a "positive role" for religious communities in China. However, they view this role in terms of bolstering support for state economic and social goals, not promoting international religious freedom norms. According to Wang Zuo'an, the head of State Administration of Religious Affairs (SARA), "the starting point and stopping point of work on religion is to unite and mobilize, to the greatest degree, the religious masses' zeal, to build socialism with Chinese characteristics."

SARA issued a January 2011 document outlining its goals for the upcoming year. The document outlines measures to maintain extensive government supervision and control over religious communities, specifically calling on authorities to "guide" unregistered Protestants to worship in state-sanctioned churches, continue policies to deny Catholics in China the freedom to accept the authority of the Holy See to make bishop appointments, and expand rules that impose political requirements on any Muslims who wishes to make overseas pilgrimages. If implemented as written, the SARA document would continue to restrict freedom of religion for Chinese citizens and further submit religious communities to the intrusive supervision and control of the Party and government.

Despite restrictions, harassment, arrests, and government oversight the number of religious adherents continues to grow in China and the government continues to tolerate worship and some charitable activities by approved religious groups. However, the government actively restricts, harasses, detains, and imprisons: groups that are not registered, or will not register, for political or theological reasons; individuals who publicly organize legal, media, or popular defense of religious freedom; and groups or leaders deemed to threaten the Communist Party.

Chinese officials are increasingly adept at employing the language of human rights and the rule of law to defend repression of religious communities, citing purported national security concerns or using Chinese law to restrict rather than advance universal freedoms. While the Chinese government has signed the International Covenant on Civil and Political Rights, it has neither ratified nor fully applied the treaty to its domestic legal framework. Religious activity in China is governed by the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007. The NRRA requires all religious groups and venues to affiliate with one of seven government-approved associations and allows the government to control every aspect of religious practice and related activities. Within the bounds of the Chinese legal system, the NRRA does expand protections for registered religious groups to carry out some religious activities and charitable work. When registered, religious communities can apply for permission to possess property, provide social services, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. The NRRA permits only "normal religious activity" and contains vague national security provisions that can justify the suppression of unregistered religious activity, the activities of organizations deemed to be "cults", and the peaceful religious activity of Uighur Muslims and Tibetan Buddhists.

In Tibetan Buddhist and Uighur Muslim regions, the NRRA includes additional restrictions on peaceful religious expression and leadership decisions and is supplemented by extensive provincial regulations. During the reporting period, the Chinese government intensified its campaign of "patriotic education" among monks, nuns, and imams in these regions, in an effort to quell activities viewed as political dissent and to promote leaders who are considered "patriotic and devoted." In the past year, the government-approved Islamic Association of China also issued a series of sermons whose goal was to put forward "authentic interpretations of Islam."

Repression of unregistered religious activity varies by region, province, politics, and ethnicity. In some localities, officials arbitrarily implement national government policy and allow some unregistered groups, sometimes with thousands of members, to carry out worship activities openly. Some Catholic, Protestant, Buddhists, and members of spiritual movements have refused to join the officially-sanctioned religious organizations because they do not want to, among other things: provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; and seek advance permission from the government for all major religious activities or theological positions. The Chinese government, as part of official policy, continues to restrict peaceful religious expression and the expansion of religious ideas or worship on the Internet. It confiscates or punishes the distribution of unapproved bibles, Muslim books, Falun Gong documents, and interpretations of religious texts. It also blocks access to Internet sites of religious groups or those with "illegal" religious content.

Tibetan Buddhists

The Chinese government's longstanding emphasis on controlling and managing the "normal order" of Tibetan Buddhism has led to significant religious freedom abuses and nurtured deep resentments among Tibetans. In addition, in 2007, the SARA issued guidelines to control the movement and education of monks and nuns, the building or repairing of religious venues, and

the conduct of large-scale religious gatherings. Later that same year, SARA issued regulations allowing government officials to interfere with the selection of reincarnated lamas, an essential element of Tibetan Buddhist religious practice and education. These rules appear to be intended to ensure government control over the selection of the next Dalai Lama and the lineages of Tibetan Buddhism's most important teachers.

In 2010, the Chinese Communist Party and its leaders instituted sweeping new economic, cultural and social policies at the Fifth Tibet Work Forum which appear aimed at furthering controls over Tibetan Buddhism by delineating a "core interest" policy of diminishing the Dalai Lama's international influence, isolating him from Tibetans in China, and asserting that religious freedom in Tibet is China's internal affair. President Hu Jintao instructed officials to "comprehensively implement the Party's basic principles for religious work and the laws and regulations on the government's administration of religious affairs ... maintain the normal order to Tibetan Buddhism, and guide Tibetan Buddhism to keep in line with the socialist society." Also in 2010, the Buddhist Association of China required re-registration of religious personnel based on conformity with unspecified political, professional, and personal criteria. There is a concern of a substantial loss of religious personnel if the measure is used to remove Tibetan Buddhist monks, nuns, or trulkus (living Buddhas) viewed as devoted to the Dalai Lama or his recognized Panchen Lama or as holding positions the government deems illegal.

Previous government suppression of peaceful Tibetan Buddhist religious activity played a primary role in stoking major demonstrations in 2008 in the Tibetan Autonomous Region (TAR) as well as Tibetan areas elsewhere in China, which led to violence and the detention of hundreds of monks and nuns. Protests against government interference in Tibetan religious life and the imprisonment of religious leaders continued in 2010. At least 443 Tibetan Buddhist monks, nuns, and trulkus are currently imprisoned in China, according to the database of the Congressional-Executive Commission on China (CECC). Despite requests, the Chinese government has not provided full details or a credible accounting of those detained, missing, or disappeared, trials have not been open, and those accused are not given adequate legal representation. Since the 2008 protests, a security presence has remained at some monasteries and nunneries, and local government officials have escalated their campaigns to require monks and nuns to sign statements denouncing the Dalai Lama. Monks and nuns who refuse to denounce the Dalai Lama or to pledge loyalty to Beijing have been expelled from their monasteries, imprisoned, and tortured.

The Chinese government continues to deny repeated international requests for access to the disappeared 19-year-old Gendun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials claim that he is in fact alive and being "held for his own safety." The Chinese government insists that another boy, Gyaltzen Norbu, is the "true" Panchen Lama, one of the most revered positions in Tibetan Buddhism and a religious figure who will play an important role in selecting the next Dalai Lama.

Uighur Muslims

In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, religious freedom conditions continue to deteriorate. The Chinese government's various campaigns to curtail "religious extremism," secessionism, and terrorist activity are a major source of Uighur resentment and may lead directly to the very type of extremism that Beijing's policies are trying to forestall. Following demonstrations and riots in July 2009, the XUAR government instituted sweeping security measures and campaigns to promote "ethnic unity," curb free speech, and halt any independent religious activity or public protest over restrictions on religious practice. Over the past decade, the Chinese government has similarly used the global war on terror as a pretext to crack down on even non-violent forms of religious activity or dissent. Both Muslims and Protestants in the XUAR have experienced increased harassment, arrests, and efforts to weaken religious adherence and cultural identity.

Speaking at a May 2010 "Central Work Forum" on the XUAR, President Hu Jintao affirmed existing government policies on ethnic and religious issues. Neither President Hu nor the Forum addressed the Uighurs' long-standing grievances over cultural and religious controls. The Work Forum again stressed previous campaigns to combat "religious extremism," supporting ongoing efforts to interfere with the way Muslims in China interpret and practice their religion. These measures intensified after the 2009 demonstrations and violence. During the past year, steps were taken in some areas to stop religious "infiltration" and "illegal preaching activities" and to close "illegal mosques" among Muslim populations outside of the XUAR. For example, one government report, issued by the Ningxia Hui Autonomous Region, described efforts to "improve" Arabic instruction as part of a plan to "resist religious instruction."

In Uighur areas, all imams are required to undergo annual political training seminars to retain their licenses, and local security forces monitor imams and other religious leaders. Imams at Uighur mosques are reportedly required to meet monthly with officials from the Religious Affairs Bureau and the Public Security Bureau to receive "advice" on the content of their sermons. Failure to attend such meetings can result in the imam's expulsion or detention. The XUAR government limits access to mosques and spiritual pilgrimages, including by women, children, communist party members, and government employees. Uighur Muslim clerics and students have been detained for various "illegal" religious activities, "illegal" religious centers and religious schools have been closed, and police confiscate religious publications. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in public religious activities, such as reciting daily prayers, distributing religious materials, observing Ramadan, and wearing head coverings; they are

reportedly subject to fines if they attempt to do so. These standards are enforced more strictly in southern Xinjiang and other areas where Uighurs account for a higher percentage of the population.

In the past year, XUAR authorities took special measures to "weaken religious consciousness" among women and limit the religious activities of minors. In 2009, the government-controlled Women's Federation carried out campaigns to dissuade women from wearing veils. Also, guidelines were put in place to provide oversight of Uighur women religious leaders (*buwi*). In response to these government efforts, 600 protestors marched in Hotan against a proposed ban on headscarves and other restrictions on religious freedom. In June 2010, authorities in Bachu county, Kashgar district detained 32 women for attending a Koran study group. Two were officially charged with conducting "illegal religious activity" while the others were fined and released. In December 2009, regulations were put in place prohibiting "luring" or "forcing" minors to participate in religious activities. In March 2010, officials in Ili Kazakh Autonomous Prefecture issued regulations to, among other things, forbid students from believing in religion, participating in religious activities, fasting, or wearing religious clothing, and officials in Hotan started a campaign to halt "illegal" religious schools. According to Radio Free Asia, security personnel have closed seven schools and detained 39 people in nighttime raids.

Religious leaders, academics, and human rights advocates who attempt to publicize or criticize human rights abuses in the XUAR have received prolonged prison terms on charges of "separatism," "endangering social order," and "incitement to subvert state power." Numerous Uighur Muslims have been arrested for peacefully organizing and demonstrating for their religious freedom, including Abdukadir Mahsum, who is serving a 15-year prison sentence imposed in February 2009. The State Department estimates that over 1,000 people were arrested in the XUAR on charges related to state security over the past two years, including on charges of "religious extremism." Due to the lack of judicial transparency and the government's equation of peaceful religious activity with religious extremism and promotion of terrorism, it is difficult to determine how many prisoners are being held for peaceful religious activity or for peacefully protesting restrictions on the freedom of thought, conscience, and religion.

Three members of the family of Rebiya Kadeer, one of the most prominent Uighur human rights and religious freedom advocates, remain in prison. Kadeer's three sons, Kahar, Alim, and Ablikim, were arrested in June 2006 to prevent them from meeting with a visiting U.S. congressional delegation. The following October, Kahar and Alim were tried for tax evasion, and Alim was sentenced to seven years' imprisonment. The two were also fined a total of over \$75,000. In February 2007, Ablikim was tried in secret on charges of "subversion of state power" and later sentenced to nine years imprisonment. In December 2007, family members were allowed to visit Ablikim for the first time in a year. Both Alim and Ablikim remain in prison, where they are reported to have been tortured and abused. Ablikim is reported to be in poor physical health without adequate medical care.

Catholics

The Chinese government continues to interfere in the religious activities of Chinese Catholics and to harass clergy in the officially-sanctioned Catholic Patriotic Association (CPA) who have been secretly recognized by the Vatican as well as clergy and members of the Catholic community who refuse to affiliate with the CPA. Governmental efforts to suppress the activities of "underground" Catholic congregations and to coerce Catholic clergy to join the CPA are particularly intense in the two provinces with the largest Catholic communities, Hebei and Shaanxi. Government efforts to exert control over Church affairs expanded in the past year, as Beijing ordained a Bishop without Vatican approval and arranged for the election of unapproved Bishops to main leadership positions in the CPA and the Bishops' Conference of the Catholic Church in China. These organizations are not recognized by the Holy See.

Beijing continues to prohibit Catholic clergy from communicating with the Vatican, resulting in strained relations between the CPA and the unregistered Chinese Catholic Church and between the Chinese government and the Holy See. Despite this official policy, an estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and, in many provinces, CPA and unregistered Catholic clergy and congregations work closely together. Since 2006, the Vatican and the Chinese government had worked together to select bishops, reversing a previous trend of the government appointing bishops without Vatican approval. In 2010, eleven Chinese bishops were ordained, one of whom was not Vatican-approved. In November 2010 the CPA ordained Guo Jincai bishop of Chengde (Hebei) without prior approval or affiliation with the Vatican – a move that, according to a Vatican spokesman, "set back" relations between Beijing and the Holy See. In April and June 2010, respectively, the CPA ordained Paul Meng Qinglu bishop of a diocese in Inner Mongolia and Joseph Han Yinghin bishop of Sanyuan (Shaanxi), both with the approval of the Holy See. Nevertheless, Bishop Meng's ordination was not without controversy, as the CPA insisted that Bishop Du Jiang, recognized by the Vatican, attend the ordination ceremony with Ma Yinglin, a bishop ordained without Vatican approval in 2006. Bishop Du was later placed under house arrest.

According to the Congressional Executive Committee on China (CECC), at least 40 Roman Catholic bishops remain imprisoned, detained, or disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who has been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001 and Auxiliary Bishop Yao Ling, remain unknown. In July 2010, unregistered Catholic bishop Jia Zhiguo was released; he had been detained since March 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican.

The whereabouts of two unregistered priests, Ma Shengbao and Paul Ma, also detained in March 2009, remain unknown. In addition, Father Li Huisheng remains in custody serving a seven-year term for "inciting the masses against the government" and Fr. Wang Zhong is serving a three-year sentence for organizing a ceremony to consecrate a new registered church. In March 2010, underground priests Luo Wen and Liu Maochun were detained after they organized youth camps for university students. Authorities released Luo within two weeks, but there is no evidence that Liu was released.

Protestants

The Chinese government continues to restrict the religious activities of Protestants who worship in the government-approved church and to harass and intimidate unregistered Protestants. The government also labels some unregistered Protestant groups as "cults." The majority of Protestants in China are affiliated with the "house church" movement, which refuses, both for theological and political reasons, to affiliate with the government-sanctioned Three-Self Protestant Movement (TSPM) or the China Christian Council (CCC).

The Chinese government encourages TSPM and the CCC leaders to emphasize "theological reconstruction" in their religious training and teaching, doctrines which purge elements of Christian faith and practice that the Communist Party regards as incompatible with its goals and policies. In the past year, government leaders have publicly commended the TSPM and CCC for their efforts to promote "social harmony and stability," for "resolutely resisting various forms of foreign religious infiltration," and for "achieving positive results through promoting theological reconstruction."

Registered Protestants have been given some latitude to operate charitable and social welfare programs, including a growing number of "faith-based" clinics, homes for the elderly, and orphanages. Although these organizations have an uncertain legal status and limited capacity, they are allowed in order to fill social service gaps in some localities and rural areas. The government, through its religious agency SARA, is reportedly studying ways legally to register religious charities.

In the past year, authorities continued to harass, intimidate, and detain arbitrarily members of unregistered Protestant organizations. According to the NGO ChinaAid, the number of detentions of unregistered Protestants declined slightly in the last year, with over 500 detentions. At least six individuals were sentenced to terms of imprisonment over one year, including in China's notorious "re-education through labor" system. Despite slightly fewer detentions and sentences this year as opposed to last, government efforts to suppress the growth and activities of house church Protestants continue to be systematic and intense, with regular raids on unrecognized church services and destruction of property and religious venues.

Members of unregistered Protestant groups that the government arbitrarily deems "evil cults" were the most vulnerable to detention and harassment. The extrajudicial security apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups with adherents in multiple provinces, as well as many more congregations and movements that are active in only one province. Examples of banned groups include the South China Church (SCC), the Disciples Association, the "Shouters," and the Local Church, a group that was founded by Chinese church leader Watchman Nee, one of the most influential and widely read theologians of the 20th century. The Chinese government continues to reserve for itself the final right to determine a religious group's theological legitimacy. On March, 11 2011, security officials in Qu County, Sichuan province arrested Liao Zhongxiu, leader of a house church on charges of "suspicion of utilizing a cult organization in undermining the implementation of the state law and regulations." It was the second time that Ms. Liao's church was raided in the past year, when police fined and destroyed property in September, 2010. Ms. Liao remains in custody and has reportedly been threatened if she seeks to hire a lawyer.

On May 8, 2010, pastor Wang Dao – a participant in the 1989 Tiananmen protests and leader of the unregistered Liangren Church in Guangzhou – was detained and his congregation dispersed from their worship in a park. Wang was released on bail on June 13 to await his trial. On August 13, he was again detained and pressured to join the TSPM. His trial is pending. Protestant pastor Alimjan Yimit (Himit) continues to serve a fifteen-year sentence in the XUAR, allegedly for "leaking state secrets to overseas organizations;" according to his lawyer, he was arrested for having contact with visiting Protestants from the United States. Unregistered Protestant pastor Zhang Rongliang also continues to serve a seven-year prison sentence for allegedly "obtaining a fraudulent passport and illegally crossing the border." Zhang frequently traveled overseas to speak at Christian gatherings. Osman Imin (also known as Wusimanyiming), who was arrested in November 2007 and sentenced to two years of "re-education through labor" on charges that he assisted foreigners in engaging in public religious expression and persuasion among the Uighur community, was released in the last year. Shi Weihai, who was given a three-year sentence for printing and distributing Bibles and Christian books without government permission, was released at the end of his sentence in March 2011.

During the reporting period, Chinese government officials at various levels also forcibly closed large unregistered religious venues that previously had operated openly. For example, in March 2010, in the city of Jinan, Shandong province, local officials closed a Seventh-day Adventist church with an estimated 700 members.

Falun Gong

The Chinese government continues to maintain a severe campaign against adherents of the Falun Gong spiritual movement, which it considers an "evil cult" and banned in 1999, including maintaining an extrajudicial security apparatus, the 6-10 office, designed to identify and stamp out Falun Gong activities. Over the past decade, the government has carried out an unprecedented campaign against the Falun Gong, imprisoning large numbers of practitioners and abusing them in detention. Practitioners who do not renounce their beliefs in detention are subject to torture, including credible reports of deaths in custody and the use of psychiatric experiments. "Transforming" Falun Gong adherents continues to be a high priority for Chinese government security officials. Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced renunciations of faith, and torture in detention. Officials use Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with "evil cults," and its associated legislation, the Decision of the Standing Committee of the National People's Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities. It is difficult to determine how many Falun Gong practitioners were in detention because they are most often incarcerated in re-education through labor camps (RTL) and mental health institutions. However, in its 2010 *Country Report on Human Rights Practices* for China, the U.S. Department of State noted that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps.

In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppressed their activities. Between 2007 and August 2008, an estimated 10,000 people were detained. Of that number at least 700 were sentenced to prison term or RTL. At least five Falun Gong practitioners are known to have died in police custody in 2008.

One Falun Gong-affiliated research NGO, using public sources from within China, confirmed that 2,513 individuals were detained in the past year, many in Hebei and Shandong provinces and also in Shanghai. Security officials reportedly offered rewards to anyone who would identify Falun Gong adherents, in order to "protect" the Shanghai World Expo. Almost all of those detained were sentenced to prison or RTL.

Numerous allegations of government-sanctioned organ harvesting from incarcerated practitioners have surfaced within the last several years as well. Independent investigation into the practices of a hospital in Sujiatun, Shenyang proved inconclusive. However, based on a report from two prominent Canadian human rights activists, international human rights organizations and the Special Rapporteur on Torture have called for an independent investigation and for continued international attention to allegations of organ harvesting from prisoners, torture in custody, and psychiatric experiments conducted on adherents. The UN Special Rapporteur on Torture reported that Falun Gong practitioners allegedly make up two-thirds of the alleged victims of torture presented to him in China. The Committee against Torture, a UN treaty-monitoring body, also called on the government during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

Other Religious Groups

Folk religion, also called "feudal superstition," is not among the five recognized religions (Buddhism, Daoism, Protestantism, Catholicism, and Islam), but is sometimes tolerated by local officials. For example, the so-called "Mazu cult" reportedly has been reclassified as "cultural heritage" rather than religious practice, so individuals are allowed to openly participate in its rituals and ceremonies. In addition, some ethnic minority groups have been allowed to retain traditional religious practice, such as Dongba among the Naxi people in Yunnan and Buluotuo among the Zhuang people in Guangxi. However, authorities in Hunan Province have begun to implement provincial-level regulations to oversee folk religious venues. These regulations are significant because they protect religious practice outside the five recognized communities and allow venues to register directly with provincial government officials, something not allowed to Protestants. However, the regulations allow registration only of existing venues and stipulate that no new sites may be built. In addition, any venue that is destroyed may not be rebuilt unless it retains "historical stature" and "great influence." The State Administration for Religious Affairs has established a division to deal directly with the management of folk religions.

According to the State Department, provincial governments in Xinjing, Heilongjiang, Zhejiang, and Guangdong have legally recognized, or at the least tolerated, the religious practice of Orthodox Christianity. In May 2010, the Ohel Rachel Synagogue in Shanghai was allowed to open and hold services on weekends for visiting tourists and the city's expatriate community. The synagogue, which was closed in 1949, was allowed to re-open during the 2010 Shanghai World Expo.

Human Rights Defenders

The government has systematically targeted human rights lawyers and activists belonging to the *wei quan* (rights defense) movement for harassment and intimidation and continued efforts to revoke the licenses of lawyers and shut down law firms that take on "political" cases. In the past year, several prominent human rights lawyers "disappeared" in a preemptive strike by the Chinese government to forestall public protest patterned from popular uprisings in the Middle

East. In addition, *Gongmeng*, or the Open Constitution Initiative, a law advocacy group, and other organizations have been shut down or constrained and their employees harassed. The government has used Article 306 of the Criminal Procedure Code repeatedly against defense attorneys. The Ministry of Justice's "Methods for the Management of Lawyers' Professional Licenses" has also been used to deny defense lawyers involved in religious freedom cases their registration and remove their ability to practice law entirely.

Several Beijing-based lawyers who handled religious freedom and Falun Gong cases, including Li Subin and Jiang Tianyong, were denied renewal of their professional licenses in the past year and several others were sentenced or mistreated in detention. In May 2010, the Beijing Bureau of Justice disbarred lawyers Tang Jitian and Liu Wei, who represented Falun Gong members. In November, 2010 Wang Yonghang from Liaoning province was given a seven year prison sentence for defending Falun Gong. Also in 2010, Zhang Kai, a lawyer seeking to represent jailed Tibetan monks, was detained and mistreated in custody.

The signers of Charter '08 have met with harassment including detention, surveillance, raids and property seizures. The most prominent signer, Nobel Prize Liu Xiaobo, was arrested and tried on subversion charges and is now serving an 11-year sentence. His wife is living under house arrest, virtually incommunicado. Individuals who helped draft the Charter, which includes suggested reforms to protect the freedom of religion and belief, are harassed, interrogated and threatened during brief detentions, and are under house arrest.

Dr. Fan Yafeng, prominent Protestant leader, human rights lawyer, and drafter of Charter '08, was detained in March 2010 to prevent him from meeting foreign media. He remains under house arrest and over the past several months has undergone intense periods of interrogation and mistreatment in detention. Police have kept him and his family under virtual house arrest and have cut off communications. Fan Yafeng represented several highly publicized cases in recent years involving unregistered Protestants and was an outspoken critic of the Chinese government's detention of some religious leaders and denial of travel visas to others seeking to attend the 2010 Lausanne Conference in South Africa.

In February 2011 lawyers Jiang Tianyong, Teng Biao, and Tang Jitian were detained and their whereabouts remain unknown. All three lawyers were working on the cases of blind activist Chen Guangcheng and Dr. Fan Yafeng, and had publicly called for an end to their harassment and mistreatment while under house arrest. As many as 100 leading rights lawyers and human rights activists have "disappeared" since mid-February 2011 as police launched a crackdown to try to avert any political unrest similar to the recent popular uprisings in the Arab world.

The whereabouts of Gao Zhisheng, one of China's best-known human rights lawyers, remain unknown. He disappeared in February 2009, though he was briefly allowed to make contact with friends in March 2010. Gao defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government's human rights record. Before his 2009 disappearance, he published a report of the torture he endured during a September 2007 interrogation. Gao's legal partner, Yang Maodong, continues to serve a seven-year sentence for representing clients in highly politicized cases.

Failure to Protect North Korean Refugees

China is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but no Chinese law provides for the protection of asylum seekers. The Chinese government cooperates with the UN High Commissioner for Refugees (UNHCR) on some refugee or asylum cases, and allowed UNHCR to process 100 refugee claims last year, all for non-Koreans. North Korean asylum-seekers continue to face hardship, including discrimination and trafficking, and repatriation. Beijing considers all North Koreans to be economic migrants rather than refugees fleeing persecution, limits UNHCR access to North Korean asylum-seekers, and does not allow UNHCR to operate in China's border region with North Korea. North Korean refugees under UNCHR care are subjected to harassment and restrictions by authorities.

North Koreans who are forcibly repatriated, particularly those suspected of having religious belief or affiliations, face torture, imprisonment in penal labor camps, and possible execution. Since 2008, the Chinese government has intensified its campaign against North Korean refugees, harassing religious communities that assist refugees and offering rewards to those who turn over asylum seekers to authorities. The government also reportedly arrested individuals who organized food, shelter, transportation, and other assistance to North Koreans. In August 2009, a court in Erlianhoate, Inner Mongolia sentenced Protestant house church leaders Li Ming-shun and Zhang Yong-hu to 10 and seven years imprisonment, respectively, and imposed substantial fines for their efforts to assist North Korean refugees.

U.S. Policy

Over the past year, after previously emphasizing greater cooperation on financial, environmental, and security priorities, the Obama administration has publicly highlighted several human rights priorities and advocated for the release of Nobel Prize winner Liu Xiaobo and lawyers Gao Zhisheng and Chen Guangcheng.

Immediately prior to a January 2011 state visit by President Hu Jintao, Secretary of State Clinton emphasized U.S. interests in internet freedom, the protection of human rights advocates, and freedom of religion in China. The administration has promised to "engage in

tough discussions behind closed doors" and pursue yearly human rights dialogues with the Chinese, but the direction of its human rights diplomacy remains unclear.

Human rights concerns have not been fully integrated into the architecture of U.S.-China bilateral relations. Efforts to coordinate with allies who share concerns have not been readily apparent and human rights issues were sidelined during the U.S.-China Economic and Security Dialogue, the most significant bilateral cooperation mechanism. A new round of the Strategic and Economic Dialogue will be held in May 2011, but it is unclear if or how human rights and religious freedom issues will be pursued in that forum.

During President Hu's 2011 visit, President Obama discussed "America's fundamental commitment to the universal rights of all people, and that includes basic human rights like freedom of speech, of the press, of assembly, of association and demonstration and of religion, rights that are recognized in the Chinese constitution." In response to this public statement, President Hu responded, also in public, that "China recognizes and also respects the universality of human rights ... but, we do believe that we also need to take into account the different national circumstances when it comes to the universal value of human rights. China is a developing country with a huge population, and also a developing country in a crucial stage of reform." President Obama said that the sides had agreed to "move ahead with our formal dialogue on human rights."

During President Obama's 2009 visit to China, the two countries agreed to reestablish a regular Human Rights Dialogue and to reconvene the U.S.-China Legal Experts Dialogue. The legal experts' dialogue has not occurred, though a human rights dialogue was held in May 2010. In describing the discussions at the human rights dialogue, Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner said he had "frank and constructive" exchanges on specific cases, the independence of the judiciary and the bar, and the freedom of religion, among other things. At the dialogue, China raised issues of U.S. treatment of Muslim Americans, immigration and racial discrimination. One specific benchmark that emerged from the dialogue was the creation of a Religious Freedom Working Group, though in nearly a year, there has been no progress toward a formal meeting of that working group.

The administration, like its predecessors, places much weight on conducting human rights dialogues and not enough on supporting activists and intellectuals inside China who are seeking peaceful reform. Despite recent strong public statements, the administration continues to be perceived as weak on human rights in China. Religious freedom and related human rights should be an important part of U.S.-China bilateral relations because they are directly related to expanding the rule of law, developing civil society, aiding stability in ethnic minority areas, expanding the freedom of expression, and bringing China firmly within the international system through assisted implementation of universal human rights obligations. Conducting the most substantive human rights discussions in a bilateral dialogue allows the Chinese to downgrade these issues in the bilateral relationship and characterize human rights as peripheral to U.S. interests. Bilateral dialogues should be part of a larger, consistent, and principled engagement with China on human rights, where the United States regularly presses our interests visibly and consistently outside the dialogue process and at all levels of the bilateral relations.

Recommendations

A stable China that is committed to protecting and advancing its citizens' fundamental rights and religious freedoms is in the interest of the United States. In pursuit of these interests, USCIRF recommends that religious freedom and related human rights be woven firmly into the architecture of the U.S.-China bilateral relationship. In addition, USCIRF urges the Obama administration, as it continues to pursue various policy approaches, to raise religious freedom concerns in multilateral fora where the United States and China are members, to signal clearly and publicly that human rights are a vital U.S. interest that affect the flexibility and scope of U.S.-China relations, and to coordinate potential sources of leverage, within the U.S. government and with allies, in order to build a consistent human rights diplomacy with China. In addition to these issues, the Commission makes the following recommendations concerning U.S. policy toward China:

I. Ending Human Rights Abuses in China

The U.S. government should:

- continue to designate China as a "country of particular concern" (CPC) under the International Religious Freedom Act (IRFA) and issue a new presidential action focusing on state agencies or actors who perpetuate religious freedom abuses or on provinces or localities where religious freedom conditions are most egregious;
- develop an inter-agency U.S. government human rights action plan and coordinate its implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists and providing staffing and support for all U.S. delegations visiting China.
- reinvigorate multilateral cooperation on human rights and technical assistance programs with allies who conduct bilateral human rights dialogues with China; and

- appoint new Counselors for Human Rights at the U.S. Embassy in Beijing to ensure that U.S. statements, programs, and actions advance the priorities of U.S. human rights diplomacy, including the promotion of religious freedom, with China.

In addition, during its bilateral discussions with China, the U.S. government should urge the Chinese government to:

- end its crackdown on religious and spiritual groups, including harassment, surveillance, arrest, and detention of persons on account of their religion or belief, torture and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement, and coercion of individuals to renounce or condemn any religion or belief;
- release all those imprisoned, detained, or disappeared on account of their religious belief, activities, or religious freedom advocacy, including, among many others, Gao Zhisheng, Liu Xiaobo, Jiang Tianyang, Fr. Zhang Li, Chen Zhenping, Alimjan Himit, Yang Maodong, Abdukadir Mahsum, Imam Adil Qarim, Fr. Zhang Jianlin, Alim and Ablikim Abdureym, Phurbu Tsering, Bishop Su Zhimin, and Gendun Choekyi Nyima;
- fully account for all those detained, released, tried and sentenced and/or missing following public order disturbances in Tibet or Xinjiang; allow immediate access for international observers, including the International Committee of the Red Cross, to all acknowledged or unacknowledged detention facilities; and implement all Tibet and Xinjiang-related recommendations of the UN High Commissioner for Human Rights, Committee against Torture, and Special Rapporteurs on Torture, Freedom of Religion or Belief, Extrajudicial and Summary Executions, and Human Rights Defenders;
- allow faith-based non-governmental organizations to register with the Ministry of Civil Affairs and operate nationally, including in the border regions with North Korea;
- cease the use of torture and ensure that alleged incidents are consistently and impartially investigated and that evidence procured through torture is excluded from legal proceedings, end the mistreatment of Falun Gong and North Korean refugees in detention, and ensure that no asylum-seeker is returned to a country where he or she faces a real possibility of torture;
- ensure that religious education for minors is not restricted and is fully guaranteed in national and provincial laws, including by directing the State Administration on Religious Affairs (SARA) to publicly state that religious education for minors is allowable in all religious venues;
- establish a mechanism for reviewing cases of persons, including religious leaders, detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, "counterrevolutionary" or "splittist" activities, or organizing or participating in "illegal" gatherings or religious activities;
- end the harassment, arrest, detention, and mistreatment of lawyers who take on cases of Falun Gong, unregistered Protestants, Uighur Muslims, or Tibetan Buddhists, reinstate the licenses arbitrarily removed from lawyers who take sensitive human rights cases, and engage in discussions with international legal institutions on new ways to train and license legal advocates; and
- allow visits to China by the UN Special Rapporteurs on the Independence of Lawyers and Judges, on the Freedom of Religion or Belief, on the Freedom of Opinion and Expression, on Human Rights Defenders, and on the Freedom of Assembly and Association with full access in compliance with the terms of reference required by the Special Rapporteurs.

II. Raising Human Rights in the U.S.-China Strategic Dialogue

Within the planning and structure of the Strategic and Economic Dialogue, the U.S. government should:

- prioritize human rights and religious freedom issues in the Strategic Dialogue's agenda, raise a full range of religious freedom concerns in high-level discussions, and seek binding agreements on key religious freedom and human rights concerns; and
- ensure that religious freedom priorities raised in the Strategic Dialogue are implemented through appropriate U.S. government foreign assistance programs on such issues as legal reform, civil society capacity-building, public diplomacy, and cultural and religious preservation and exchanges.

III. Improve the Rule of Law in China

The U.S. government should make promoting the rule of law a greater priority of U.S. human rights diplomacy in China and urge the Chinese government to:

- ratify and implement the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998, without reservations undermining religious freedom protections, and accept technical legal assistance to help harmonize Chinese law and international human rights obligations;

- amend Article 36 of the Constitution to protect explicitly the right not only to believe but to manifest one's religious belief without state interference;
- amend the National Regulations on Religious Affairs (NRRA) to allow groups not affiliated with one of the seven government-approved associations to operate legally and without state interference;
- amend or repeal Article 306 of the Criminal Procedure Code, which has been used against attorneys who have vigorously defended the rights of their clients;
- abolish the 6-10 office and the system of re-education through labor (RTL) camps and all other administration and extrajudicial detention centers, including the "transformation through re-education" facilities of the 6-10 office;
- revise the Ministry of Justice's "Methods for the Management of Lawyers Professional Licenses" and similar local regulations to ensure that a lawyer's annual registration is not subject to political considerations or other arbitrary factors, and make sure that no lawyer is denied renewal of registration on the basis of the cases he or she has represented or is representing;
- repeal Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with "evil cults," and also its associated legislation, the Decision of the Standing Committee of the National People's Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities.

IV. Supporting Chinese Dissidents and Rights Defenders

To strengthen the ability of Chinese lawyers and activists to defend religious freedom or related rights, address violations on account of religion or belief, and encourage freedom of expression and a vibrant civil society, media, and the rule of law, the U.S. government should:

- use appropriated Internet freedom funds to develop free and secure email and web access for use in China, to facilitate the dissemination of high-speed Internet access via satellite, and to distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of activists and help them maintain their freedom of expression and legitimate expectations of privacy;
- award funds appropriated by Congress to counter censorship in China, including from the FY10 Consolidated Appropriations Act, through a competitive and merit-based process;
- institute new programs through the State Department's Human Rights and Democracy Fund that:
 - build the capacity, training, and networking ability of non-governmental organizations in China that address issues of human rights, including religious freedom, legal reform, and the freedoms of expression, association, and assembly;
 - establish consultations between international human rights experts and Chinese officials, judges and lawyers on the compatibility of Chinese laws, regulations, and decrees with international standards on freedom of religion or belief;
 - create a regular religious freedom dialogue between U.S. and international experts and members of the Chinese Academy of Social Sciences;
 - provide support to Chinese human rights defenders and others who defend the internationally recognized rights of individuals and communities targeted because of their religious belief or practice; and
 - financially assist lawyers who take sensitive human rights cases, create a religious freedom handbook to educate religious leaders on their rights under Chinese and international law, and create legal materials and training seminars, accessible online, for Chinese law students, lawyers, and judges.

V. Expanding Diplomacy and Human Rights Programs in Tibet and Xinjiang

The U.S. government should:

- urge the Chinese government to allow a U.S. government presence, such as consulates, in Lhasa, Tibet and Urumqi, Xinjiang which could monitor religious freedom and other human rights conditions;
- strengthen efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:
 - increasing educational opportunities in the United States for religious and other leaders from these regions, in order to enhance their understanding of religious freedom and other human rights according to international standards;

- creating legal clinics to assist Uighur Muslims and Tibetan Buddhists to enforce their human rights under the Chinese Constitution and international law, similar to existing programs that serve other ethnic minority areas in China;
- giving political and financial support to assist religious groups and organizations to address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, conflict resolution, language and culture preservation, environmental protection, drug and alcohol abuse prevention, and sustainable development; and
- ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through the Voice of America and Radio Free Asia; and
- offer publicly to facilitate meetings between Chinese officials and envoys of the Dalai Lama and seek to broker trust-building agreements to end religious freedom restrictions in Tibet and Tibetan areas.

VI. Protecting and Aiding North Korean Refugees in China

The U.S. government should work with regional and European allies to articulate a consistent and clear message about China's need to protect North Korean refugees and should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by: working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer temporary asylum on those seeking such protection and to permit safe transport to countries of final asylum; providing UNHCR unrestricted access to interview North Korean nationals in China; and ensuring that the return of any migrants pursuant to any bilateral agreement does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- allow international humanitarian organizations greater access to North Koreans in China; and
- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries; and grant legal residence to the North Korean spouses of Chinese citizens and their children.

VII. Recommendations for U.S. Congress

The U.S. Congress should:

- require the State Department to submit a regular public report (as is required on Vietnam) to the appropriate congressional committees detailing issues of concern discussed during the U.S.-China Strategic and Economic Dialogue and any future bilateral human rights and legal dialogues and describing progress made toward a series of benchmarks identified by Congress;
- authorize and appropriate the funds necessary to implement a comprehensive and integrated U.S. government human rights strategy towards China, including creation of an inter-agency human rights strategy, efforts to coordinate human rights diplomacy with allies, and new positions at the U.S. Embassy in Beijing to better promote human rights and religious freedom;
- ensure that the North Korea Human Rights Act of 2008 is fully implemented, including provisions to provide humanitarian support to asylum-seekers and remove legal obstacles to North Korean refugee resettlement in the United States.

Statement of Chairman Leonard Leo, with whom Commissioner Nina Shea Joins:

We write separately to underscore the precarious position of the Roman Catholic Church in China. Despite suggestions by some observers that conditions have improved for Catholics, there are signs that the Chinese government is in fact increasing its encroachment on Catholicism, and seeking to bolster further the prominence and authority of the state-controlled Catholic Patriotic Association ("CPA"), which is not and has never been the *true* Church of Rome.

The number of Catholics in prison and who have disappeared has declined in recent years. Yet, there are at least two bishops and dozens of priests still detained in China, and the Chinese government recently launched campaigns to "educate and transform" and "stop the illegal religious activity" of underground Catholics. These campaigns are, no doubt, intended to counterbalance the influence of the estimated 90 percent of CPA bishops and priests who are secretly affiliated with the Holy See, and, in many provinces, aimed at driving a wedge between the CPA and underground Catholic clergy and congregations that often work together closely.

The Chinese government seeks to have Catholicism within its country independent of Rome and led by government-appointed laypeople and bishops who are not in communion with Rome. Beijing, for example, continues to insist on appointing and approving all bishops and uses the

© UNHCR instruments of state power to intimidate, detain, or harass underground Catholic clergy who refuse to follow the CPA, rather than the Pope, on matters of faith and morals.

The latest bishop to have been appointed by China was not approved by the Holy See – a significant departure from its recent practice. The previous ten Chinese bishops appointed had all received Vatican approval. The government has just announced that 11 more bishops will soon be appointed. This raises the questions: Will they be leaders accepted by the Holy See? And, with regard to the whole Conference of Bishops, to what extent are the current Ordinaries experiencing threats, intimidation, and harassment?

It is hard to know in a closed society such as China about the true extent of repression. Even assuming some decline in abuses, however, one has to ask: have conditions changed because China has embraced greater respect for freedom of religion, or because the true Catholic Church of China is already so beaten down that there is no longer need always to resort to the most severe forms of repression? At least one fact is certain – the Chinese government continues to pursue a policy regarding the Catholic Church of control without compromise. This is a very different from the approach spelled out in Pope Benedict's 2007 "Letter to Chinese Catholics." In this important but often deliberately misinterpreted document, the Holy Father articulated his desire for a unified Church and "respectful and constructive dialogue" with the government. He acknowledged that the Chinese government has an interest in who will lead Catholic communities, but said the appointment of Bishops "touches the very heart of the life of the Church, inasmuch as the appointment of Bishops by the Pope is the guarantee of the unity of the Church and of hierarchical communion."

The international community should support the principles set forth by the Holy Father for negotiations with Beijing. There can be no vibrant, *true* Roman Catholic Church in China without them, and, until the principles are embraced, millions of Chinese Catholics, who join the Pope in striving for a unified church in full communion with Rome, will continue to experience ongoing and severe religious freedom abuses.

2011 | [About](#) | [Accessibility](#) | [Disclaimer](#) | [Privacy](#)

Page generated in 0.092 seconds